



# Mobile Homes Act 2013

## 2013 CHAPTER 14

### *Licensing*

#### **2 Local authority discretion on application to issue or transfer licence**

- (1) In section 3 of the Caravan Sites and Control of Development Act 1960 (application for site licence), in subsections (4) and (5), for “the local authority shall” (in the first place it appears in each case) substitute “the local authority may (where they are in England and are considering whether to grant a relevant protected site application) or shall (in any other case)”.
- (2) After subsection (5) of that section insert—
  - “(5A) The Secretary of State may by regulations require a local authority in England to have regard to the prescribed matters when deciding whether to issue a site licence under subsection (4) or (5) on a relevant protected site application in respect of land in their area.
  - (5B) The regulations may require a local authority in England, where they decide not to issue such a site licence under subsection (4) or (5), to notify the applicant of the reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (5C).
  - (5C) The regulations may—
    - (a) confer on an applicant under this section a right of appeal to a residential property tribunal against a decision of a local authority in England not to issue a site licence as mentioned in subsection (5B);
    - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
  - (5D) Regulations under this section—
    - (a) may make incidental, supplementary, consequential, saving or transitional provision;
    - (b) may make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;

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*Status: This is the original version (as it was originally enacted).*

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- (c) may make different provision for different cases or descriptions of case (including different provision for different areas).
- (5E) Regulations under this section must be made by statutory instrument.
- (5F) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 10 of that Act (transfer of site licence), after subsection (1A) (inserted by section 1(5)) insert—
  - “(1B) The Secretary of State may by regulations provide that a person applying to a local authority in England for consent to the transfer of a site licence in respect of a relevant protected site in their area must, either at the time of making the application or subsequently, give to the local authority such information as they may require.
  - (1C) The regulations may require a local authority in England to have regard to the prescribed matters when deciding whether to give their consent to the transfer of a site licence in respect of a relevant protected site in their area.
  - (1D) The regulations may require a local authority in England, where they decide not to give their consent to the transfer of such a site licence, to notify the licence holder of the reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (1E).
  - (1E) The regulations may—
    - (a) confer on an applicant under this section a right of appeal to a residential property tribunal against a decision of a local authority in England not to give their consent to the transfer of a site licence as mentioned in subsection (1D);
    - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
  - (1F) Subsections (5D) to (5F) of section 3 apply in relation to regulations under this section as they apply in relation to regulations under that section.”
- (4) In subsection (3) of that section, after “the transfer of a site licence” insert “, other than one issued by a local authority in England in respect of a relevant protected site in their area,”.